

**Testimony on House Bill 331:**

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Good morning Madame Chair Arntzen and members of the committee. My name is Jane Smilie and I am the Administrator of the Public Health & Safety Division of the Department of Public Health and Human Services. Thank you for the opportunity to address this committee today on House Bill 331.

On behalf of the Department of Public Health and Human Services I am here to support HB 331.

As the state licensing agency for restaurants, public accommodations, trailer parks and campgrounds, our department works closely with local county governments to ensure that each establishment operates safely. To help ensure safe operation we rely on annual inspections, performed by local Registered Sanitarians, in each licensed establishment. Last year, over 10,000 establishments were inspected. Given this workload, I am sure the committee can appreciate efforts of local public health staff charged with the responsibility of protecting the state's citizens and those who visit Montana.

Unfortunately, the cost of performing this vital service is much higher than the annual licensing fee intended to support it. State law requires these inspections to be performed regardless. This places local governments in a difficult position- either divert revenue from other areas to cover the actual cost or try to perform inspections without adequate resources or compensation. Either option leaves our constituents vulnerable in one way or another.

House Bill 331 will provide local governments with a sustainable and fair method of supporting local health inspections. By allowing the department to establish a licensing fee in a public rule making process and limiting that fee to no more than the actual cost of the service, we will help ensure adequate inspections are done. Second, a facility will be charged a licensing fee that better matches the amount of time, or complexity, of the actual inspection.

This bill requires licensees to be informed of the rule making process. In addition, by statute the Department is required to convene a food code task force to provide input into rulemaking related to food establishments. Statute requires this group to have equal representation from industry and from government agencies.

The department urges you to support HB331 and the efforts of local health authorities to ensure access to safe food, public accommodations, trailer parks and campgrounds. I'd be happy to answer any questions. Thank you.